

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Junior Scott, a.k.a. Tibal Clarke,

Case No. 1:10 CV 1704

Petitioner,

MEMORANDUM OPINION  
AND ORDER

-vs-

JUDGE JACK ZOUHARY

State of Ohio,

Respondent.

The Court has reviewed the Report and Recommendation (R&R) of the Magistrate Judge (Doc. No. 13). Under the relevant statute (28 U.S.C. § 636(C)):

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

In this case, no objections have been filed. The failure to file written objections constitutes a waiver of a *de novo* determination by the district court of an issue covered in the R&R. *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005).

The Court adopts the R&R (Doc. No. 13) in its entirety and the Petition is dismissed. Furthermore, pursuant to 28 U.S.C. §§ 2253(c) and 1915(a)(3), this Court certifies that an appeal could not be taken in good faith and declines to issue a certificate of appealability.

IT IS SO ORDERED.

s/ Jack Zouhary  
JACK ZOUHARY  
U. S. DISTRICT JUDGE

June 23, 2011